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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,617	03/30/2001	Leslie James Squires	HUN 0004 PA	8494
7590	01/22/2004			
Timothy W Hagan Killworth Gottman Hagan & Schaeff One South Main Street Suite 500 One Dayton Centre Dayton, OH 45402-2023			EXAMINER YAO, SAMCHUAN CUA	
			ART UNIT 1733	PAPER NUMBER
DATE MAILED: 01/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/762,617	SQUIRES ET AL.	
	Examiner	Art Unit	
	Sam Chuan C. Yao	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### ***Office Action Summary***

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 07 October 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### **Disposition of Claims**

4)  Claim(s) 2-19,21-23,30-35,37-44 and 46-83 is/are pending in the application.  
4a) Of the above claim(s) 39-44,46-53 and 66-83 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 2-6,8-19,21-23,30-34 and 54-65 is/are rejected.

7)  Claim(s) 7,35,37 and 38 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ . 6)  Other: \_\_\_\_\_ .

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 56-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 56 is indefinite because it is unclear what is intended by the limitation *"thereby the occurrence of unlaminated patches in the resultant laminate."* Is it Applicant's intention to have *"unlaminated patches"* to a resultant laminated embossed web? For the purpose of examining this limitation, it is assumed that *"unlaminated patches"* are avoided. See claim 54 for instance.

***Claim Rejections - 35 USC § 102/103***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-6, 8-19, 21-23, 30-34, 54-56, 58-62 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Leak et al (US 5,763,041) for reasons of record set forth on a last office action dated on 05-31-03 in numbered paragraph 5, and for reasons set forth hereinafter.

Although not explicitly disclosed, it is taken that, a laminating embossing means used in the process taught by Leak et al is a single laminating pattern calender roll. In any event, such would have been obvious in the art as such is a notoriously well known in the art.

***Allowable Subject Matter***

6. Claims 57 and 63-65 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 7, 35, 37-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

There is no suggestion in the prior art to perform the limitations recited in these claims in the process taught by Leak et al.

***Response to Arguments***

9. Applicant's arguments filed on 10-27-03 have been fully considered but they are not persuasive.

Counsel is directed to Examiner's response to Counsel's arguments in the last office action dated 05-31-03. Examiner, however, would like to reiterate that, since the embossing pattern is "varied"/different relative to the lamination pattern in terms of at least one of size, bonding density, bonding area and bonding points configuration/arrangement, "the amount of point misregistration between the emboss pattern ... lamination pattern" must be inherently controlled in the process taught by Leak et al, thereby avoiding the occurrence of unlaminated patches in a resultant laminate. It is respectfully submitted that, simply because Leak et al does not use the same terminology as the recited claims in describing the prior art embossing and lamination process, it does not mean that, the recited process limitation is absent, especially when the resultant articles of both processes are indistinguishable, and especially when Leak et al clearly teaches an embossing pattern being varied/different relative to the lamination pattern in terms of at least one of size, bonding density, bonding area and bonding points arrangement (figures 2-3, figures 7-9 and examples). As for Counsel's arguments regarding on page 23 regarding the many different pin patterns investigated (shown in Table 2) in the teachings of Leak et al, Counsel's attention is directed to column 10 lines 56-62. This passage clearly shows that, an embossing pattern

of a spunbonded web is different from a lamination embossing pattern illustrated in Table 2.

***Conclusion***

Schulz (US 4,803,032) and Lindsay et al (US 4,260,443) are cited as evidence that it is notoriously well known to use a single lamination pattern calender roll for embossing and laminating webs together.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

  
Sam Chuan C. Yao  
Primary Examiner  
Art Unit 1733

Scy  
01-10-04